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RSPA - 1999-12626-1

November, 1 1999

Administrator, Research and Special Programs Administration***U.S. Department of Transportation***

400 7th Street, SW

Washington, D.C. 20590-0001

Dear Sir:

This is a petition for rulemaking submitted under § 106.31. This petition seeks to amend § 172.336 of 49CFR by adding paragraph § 172.336(d). It is proposed that this amendment should read as follows:

§ 172.336(d) When a bulk packaging is labeled instead of placarded in accordance with § 172.514(c), identification numbers may be displayed in accordance with § 172.301(a)(1)

Given the size of bulk packagings covered by the placard to label exception (e.g. IBC's) and the fact that these packagings are generally transported in closed vehicles, the same logic used to justify a smaller display of the hazard identity (i.e. labels instead of placards) would support a smaller, more flexible, display of the identification number.

Part of this logic, considering that the intention for the large display of identification numbers is to provide emergency responders with information they can use in planning their response, is that the requirements of § 172.326(c)(1) and § 172.331(c) which require the identification number to be displayed on the exterior of the vehicle have outdated the need for a large display of identification numbers on these types of packagings. The exception outlined in § 172.514(c) is a great step in relieving undue burden from industry, but is useless without accompanying relief from the identification number requirement. I believe it was the intention of RSPA to decrease the burden on shippers without reducing safety when it adopted the placard to label exception. Furthermore, many companies have and do use the exception to take advantage of its intended benefits. Unfortunately, they have failed to see the conflict with the identification number requirements of § 172.332. Those of us conscientious of the conflict would like to utilize this exception as intended without jeopardy of violating the regulations. Granted, I have not addressed the use of



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orange panels. I think most all shippers would agree that orange panels are archaic and their use would be more cumbersome than placards.

Therefore, it is apparent that this exception cannot be fully utilized without the additional relief outlined in the above proposal.

I submit this proposal as a representative of my company, which serves as shipper, carrier and emergency responder.

Sincerely,

Steven A. Bartlett
D.O.T. Specialist

SB

